IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3931 OF 2006

Shri Nagendra Pratap Singh .. Petitioner

Vs.

Chairman/President
Rotary Charitable Trust and Ors. .. Respondents

Mr. M.S. Lagu for petitioner.
Mr. S.N. Deshpande for respondent no.2.
Ms. S.S. Bhende, AGP for respondent no.3.

CORAM: B.H. MARLAPALLE, J.

Date : August 21, 2006.

P.C.:

1. The petitioner-teacher has filed this petition challenging the order passed by the Joint Civil Judge, Senior Division at Kalyan on 23/4/2005 whereby the petitioner's application for attachment was rejected. The petitioner has filed an application before the School Tribunal for execution of its own order allowing the appeal and the School Tribunal, in turn, forwarded the application for initiating execution proceedings to the learned Joint Civil Judge, Senior Division at Kalyan. The executing court reproduced

the School Tribunal’s order as under:-

> "Appeal allowed. Interim order is confirmed. Respondents are directed to reinstate appellant within 45 days, from the date of the order, appellant shall be entitled to other consequential benefits arising out of reinstatement including conformity of service and back wages. In the circumstances no order as to costs."

2. The Management filed reply before the executing court and stated that the petitioner was reinstated on 27/11/2003 and by way of backwages an amount of Rs.1,62,360/- was paid to him and the net amount, after statutory deductions, came to Rs.1,29,097/-. The petitioner had claimed an amount of Rs.2,09,301/- by way of backwages on the grounds that he was not paid the applicable salary to the post of Assistant Teacher and he relied upon an order passed by this court directing the Education Officer to decide the issue of the petitioner’s payscale. This dispute regarding the amount of salary or the

payscale, which ought to have been paid to the petitioner, cannot be gone into by the executing court and, therefore, for this difference claimed by the petitioner the executing court rightly rejected the application for attachment.

3. Hence, the petition is rejected summarily.

(B.H. Marlapalle,J.)